

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 783 - SB 1050

March 9, 2017

SUMMARY OF BILL: Prohibits probation for any person convicted of rape.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$732,200/Incarceration*

Assumptions:

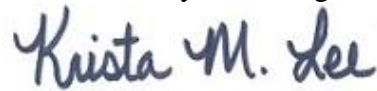
- Tennessee Code Annotated § 40-35-303 authorizes probation for eligible defendants. A defendant is eligible for probation if the sentence actually imposed is less than 10 years. A defendant is not eligible for probation, regardless of the length of sentence, for certain enumerated offenses. The proposed legislation adds rape to those enumerated offenses.
- It is assumed that inchoate offenses of rape (i.e., attempt, conspiracy, and solicitation) will not be prohibited from receiving probation.
- The Department of Correction (DOC) handles probation for all felons. The DOC reports that each year 3.3 felons are convicted of rape and enter probation without serving jail time.
- According to the DOC, the average operating cost per offender per day for calendar year 2017 is \$68.75.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- It is assumed that the proposed legislation will result in three felons each year serving jail time for rape in lieu of probation.
- Statistics from the DOC show an average time served for rape of 9.72 years (3,550.23 days).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on three offenders serving 9.72 years (3,550.23 days) at a cost of \$244,078.31 (\$68.75 x 3,550.23 days) per offender. The total cost for three offenders is \$732,234.93 (\$244,078.31 x 3).

- The proposed legislation does not create any new cases, but impacts sentencing of existing cases. It is assumed that the District Attorneys General Conference, the District Public Defenders Conference, and the courts can accommodate the provisions of this bill within existing resources without an increased appropriation or reduced reversion.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm